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19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**

21 DELPHINE ALLEN, et al.,
22 Plaintiffs,

23 v.

24 CITY OF OAKLAND, et al.,
25 Defendants.
26

Master Case No.: C00-4599 TEH (JL)

**STIPULATION AND ORDER RE:
SECTION V.C.1 (TASK 26) AND V.G.1
(TASK 30) OF THE SETTLEMENT
AGREEMENT**

[Honorable Thelton E. Henderson]

STIPULATION AND ORDER RE:
CHANGES TO LANGUAGE IN SECTION V.C.1 and V.G.1
OF THE SETTLEMENT AGREEMENT

C00-4599 TEH (JL)

STIPULATION

IT IS HEREBY STIPULATED by and between the parties that Section V, C, 1 (Task 26) and Section V, G, 1 (Task 30) are hereby amended as follows to clarify the types of incidents to be reviewed by the Force Review Board (FRB) and the Executive Force Review Board (EFRB).

Section V, C, 1 (Task 26), "Force Review Board (FRB)," shall read as follows:

OPD shall develop and implement a policy concerning its FRB proceedings. The policy shall:

1. Set out procedures, membership and a timetable for FRB review of use of force investigations involving Level 2 incidents, as defined in Department General Order K-4, REPORTING AND INVESTIGATING THE USE OF FORCE;

Section V, G, 1 (Task 30), "Executive Force Review Board (EFRB)," shall read as follows:

1. An EFRB shall be convened to review the factual circumstances surrounding any Level 1 force, in-custody death, or vehicle pursuit-related death incidents. A firearm discharge at an animal shall be reviewed by the EFRB only at the direction of the Chief of Police. The Board shall have access to recordings and/or transcripts of interviews of all personnel on the scene, including witnesses, and shall be empowered to call any OPD personnel to provide testimony at the hearing.

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1 Dated: October 16
September __, 2008

OAKLAND CITY ATTORNEY'S OFFICE

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3 By: 
4 ROCIO V. FIERRO, Attorneys for Defendant
CITY OF OAKLAND

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6 Dated: September 23, 2008

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8 By: 
9 ROCKNE LUCIA, Attorney for Interveners
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11 Dated: September 23, 2008

LAW OFFICES OF JAMES B. CHANIN

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13 By: 
14 JAMES B. CHANIN, Attorney for Plaintiffs

15 Dated: September __, 2008

LAW OFFICES OF JOHN BURRIS

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17 By: 
18 JOHN L. BURRIS, Attorney for Plaintiffs

ORDER

IT IS HEREBY ORDERED that Section V, C, 1 and Section V, G, 1 of the Settlement Agreement approved by this Court on or about January 22, 2003, are hereby revised and modified, consistent with the terms of the Parties' Stipulation.

IT IS SO ORDERED.

Dated: 10/20/08

